

To: Nelson, Cheryl[Nelson.Cheryl@epa.gov]; Shalev, Omer[Shalev.Omer@epa.gov]; Wedell, Kelly[Wedell.Kelly@epa.gov]
From: Zabaneh, Mahfouz
Sent: Mon 7/28/2014 9:18:02 PM
Subject: RE: Question: EPA oversight of DTSC document
Background on EPA oversight of DTSC permitting Rev 2 8Nov2013.docx

Hi Cheryl,

Attached is the Nov 8 (Rev 2) paper.

Please let me know if you need anything else.

Best regards,

Mike Zabaneh, P.E.

Environmental Engineer/Project Manager

RCRA Permits Office

Lands Division

US EPA Region 9

Mail Code LND-4-2

75 Hawthorne Street

San Francisco, CA 94105

Email address: zabaneh.mahfouz@epa.gov

415-972-3348

415-947-3530 (fax)

From: Nelson, Cheryl
Sent: Monday, July 28, 2014 2:07 PM
To: Zabaneh, Mahfouz; Shalev, Omer; Wedell, Kelly
Subject: RE: Question: EPA oversight of DTSC document

Thanks Mike, Omer, and Kelly for your info.

How about this:

Mike- Can you send me the revised paper you have; no need to spend time comparing it.

Kelly- I got the stuff you sent me from the DTSC workplan

I think I'll take a stab at adding the CPS report and workplan info on Mike's version and then will send a draft to Jeff today along with a cc to Tom and Barbara to review more fully before Jeff's meeting on Friday.

Thanks all!

Cheryl Nelson

Manager Planning & State Development Office

415-972-3291

415-947-3530 (fax)

US EPA Region 9

75 Hawthorne Street, LND-1-1

San Francisco, CA 94105

From: Zabaneh, Mahfouz

Sent: Monday, July 28, 2014 12:35 PM

To: Shalev, Omer; Nelson, Cheryl; Huetteman, Tom; Gross, Barbara

Cc: Barhite, Steven; Wedell, Kelly

Subject: RE: Question: EPA oversight of DTSC document

Hi Cheryl,

I agree with Omer's suggestions.

I have a copy of the paper dated Nov 8, 2013 (Rev 2).

I can compare them this afternoon and let you know if there are any differences.

Mike Zabaneh, P.E.

Environmental Engineer/Project Manager

RCRA Permits Office

Lands Division

US EPA Region 9

Mail Code LND-4-2

75 Hawthorne Street

San Francisco, CA 94105

Email address: zabaneh.mahfouz@epa.gov

415-972-3348

415-947-3530 (fax)

From: Shalev, Omer

Sent: Monday, July 28, 2014 11:17 AM

To: Nelson, Cheryl; Huetteman, Tom; Gross, Barbara; Zabaneh, Mahfouz

Cc: Barhite, Steven; Wedell, Kelly

Subject: RE: Question: EPA oversight of DTSC document

Hi Cheryl, I am not aware of any newer briefing documents regarding DTSC oversight, as I have not prepared any. Perhaps Barbara or Mike put one together, but Barbara is on vacation. Nevertheless, I think this needs a couple of updates to reflect the CPS Oversight Report and a conversation I believe Barbara had with Rizgar regarding our interest in perhaps reviewing some or all of DTSC's GPRA permits.

I will talk to Tom on Wednesday and see what he thinks is appropriate to include. Does that work? I think it would, at most, only result in adding a couple of bullets to the outline below.

Omer Shalev
Environmental Engineer
Land Division (LND 4-2)
Environmental Protection Agency, Region 9
75 Hawthorne St.
San Francisco, CA 94105
(415) 972-3538

From: Nelson, Cheryl
Sent: Monday, July 28, 2014 11:05 AM
To: Huetteman, Tom; Gross, Barbara; Shalev, Omer; Zabaneh, Mahfouz
Cc: Barhite, Steven; Wedell, Kelly
Subject: Question: EPA oversight of DTSC document

All-

Kelly and I are pulling together some materials for Jeff for his meeting Friday with the LA Strike Force on Exide. One of the things he asked for was the "one pager" on our oversight of DTSC. I think he is referring to the attached document (I've also pasted it below) but wanted to make sure that this is the correct one and the most recent. I show this document saved on October 28, 2013. Do any of you have any information about a more current document or a different one that he might be referring to? If this is the right document anyone have any edits/updates before we add it to the package of stuff we're pulling together for Jeff?

Thanks All!

Background on EPA oversight re: DTSC RCRA Permitting

EPA primarily oversees DTSC's permitting program through work commitments established under the RCRA hazardous waste grant (approx \$7M per year for all RCRA haz. waste programs in CA).

- [REDACTED] DTSC is provided annual Grant Guidance addressing permitting and other RCRA requirements based on national guidance and performance standards.
- [REDACTED] Negotiated annual Grant workplans provide specific deliverables for CA based on national program performance measures (GPRA).
- [REDACTED] Monthly staff calls and quarterly senior management meetings are held with DTSC to review program progress and raise issues.
- [REDACTED] EPA conducts quality reviews of a limited number of permits. The last few years we have focused these reviews on hazardous waste landfills (e.g. Buttonwillow & Kettleman)
- [REDACTED] DTSC submits quarterly and end of year written accomplishment reports to EPA.
- [REDACTED] EPA conducts formal end year evaluations (written and verbal) of DTSC grant and program performance.

Effectiveness of EPA's oversight

- [REDACTED] Our oversight has been very effective in pushing DTSC and all of our states towards achieving initial permit controls (i.e., issuing a facility's initial permit). DTSC is above the national goal for initial permits issued at RCRA facilities.
- [REDACTED] In the last three years, DTSC has met the national performance target for issuing RCRA hazardous waste permits (not counting facilities only regulated by the state).
- [REDACTED] DTSC has made progress addressing their state and federal permit renewal backlog (45% of expired permits renewed in 2007, 68% in 2009, 75% in 2013), but remain below the national average for federal permits.
- [REDACTED] During the previous DTSC administration, EPA raised concerns about their permitting program – lack of timely renewals, quality concerns, and lack of mgmt oversight on high priority sites (e.g. Kettleman). Under the current state administration, substantial progress is being made to address these issues (e.g., DTSC's reorganization is increasing staffing for permitting, recently completed third party permitting audit, improved coordination on Kettleman).

Holes in EPA's oversight

- [REDACTED] Declining federal budgets to EPA is reducing our ability to oversee state programs.
- [REDACTED] Budget sequestration in FY13 resulted in a 5% cut to state RCRA grants, and if sequestration continues, an additional cut will occur in FY14. However, most of DTSC's program is fee for service funded.

- R9 doesn't have the FTE to review all DTSC permits; we must prioritize our reviews.

- There is little national guidance addressing RCRA permitting best practices.

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Other things to point out:

- California regulates above and beyond what EPA regulates under the federal program; hence, DTSC's workload includes many permits that wouldn't need a federal permit. Many of DTSC's issues with permit renewals are for State-only permits.

Cheryl Nelson

Manager Planning & State Development Office

415-972-3291

415-947-3530 (fax)

US EPA Region 9

75 Hawthorne Street, LND-1-1

San Francisco, CA 94105